

11-06
**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, STATE OF NEW JERSEY
AMENDING CHAPTER 94, ZONING, IN THE CODE OF
THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey amending Article III of Chapter 94, Zoning, in the Code of the Borough of Merchantville, as follows:

ARTICLE I.	ARTICLE III.	SECTION 94-13	Fences
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A. GENERAL. Fences or walls, except a wall of a building, shall only be erected in the rear and side yard, shall not exceed four (4) feet in height and shall not project beyond the front building line except as otherwise set forth herein. Barbed wire or similar material shall not be used in the erection or maintenance of a fence. An “ornamental iron fence”, defined as a fence comprised of wrought iron or material such as aluminum, to resemble wrought iron, having multi-finished surface, and being black, having pickets, posts and gates, shall be permitted in the rear and side yard of a property. An ornamental iron fence shall also be permitted in the front yard (as defined, a corner lot will have two front yards) of a building , being it residential or business, in accordance with the terms and conditions set forth immediately hereafter.

B. ORNAMENTAL IRON FENCE – FRONT YARD. An ornamental iron fence – front yard is a fence comprised of wrought iron or material such as aluminum, to resemble wrought iron, having a multi-finished surface, and being black, having pickets, posts and gates shall be no higher than 36 inches, at any point, and not less than 30 inches in height, and at least

75% open as to the fence and any shrubbery, tree, ornamentation or other features that will hinder visibility through the fence. Plastic, vinyl, wood or wire, are not acceptable materials for an ornamental iron fence. An ornamental iron fence shall not be located in any public right of way, and may be located in a residential or business district and may be installed in the front yard of a property, as defined in this ordinance, providing that it complies with the requirements of this ordinance, including but not limited to the requirements of Section 94-8. An ornamental iron fence located on a corner lot, or within fifteen (15) feet of a driveway, intersecting a public walkway, street or right of way, shall be compliant with the above requirements. Attached to this section is a sample of three ornamental iron fences, which are acceptable in accordance with the terms of this section. Using reasonable judgment the Zoning Officer of the Borough of Merchantville may approve an ornamental iron fence, if it is similar to the samples referred to above.

C. ORNAMENTAL IRON FENCE – REAR YARD. An ornamental iron fence- rear yard shall be no higher than sixty (60) inches at any point. Plastic, vinyl, wood or wire are not acceptable materials for an ornamental iron fence – rear yard. An ornamental iron fence – rear yard may be installed in the rear yard of a property, as defined in this ordinance, Section 94-5 “Terms Defined”, “Yard, Rear”, providing that it complies with the requirements of this ordinance. Attached to this section is a sample of three ornamental iron fences, which are acceptable in accordance with the terms of this section. Using reasonable judgment the Zoning Officer of the Borough of Merchantville may approve an ornamental iron fence-rear yard, if it is similar to the samples referred to above.

D. POOLS. Swimming pools and wading pools, as defined and otherwise regulated Chapter 75 of the Code of the Borough of Merchantville, shall be fully enclosed with fencing a minimum of five (5) feet and a maximum of six (6) feet in height. Fencing erected to enclose a swimming pool or wading pool shall only be erected in the rear and side yard and shall not project beyond the front building line. Swimming pools or wading pools, shall conform in all other respects with the provisions set forth for each residential zoning district as specifically found in Section 94-22A(4), Section 94-28A(4) and Section 94-31A(4).

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
FRANK M. NORTH, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing ordinance was introduced by the Mayor and Council of the Borough of Merchantville at its regular meeting held on June 13, 2011. This Ordinance will be considered for adoption on final reading and public hearing to be held on July 11, 2011 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, One West Maple Avenue, Merchantville, New Jersey 08109.

The purpose of this Ordinance is to modify the existing Fence Ordinance consistent with the recommendations of the Merchantville Planning Board. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, One West Maple Avenue, Merchantville, New Jersey.